

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.340 OF 2007
IN
FIRST APPEAL NO.102 OF 2007

.....
Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions
& Registrar's orders.
.....

Court's or
Judge's orders

.....
Ms Manjiri Shah i/b Mr.R.R.Pawaskar for
the Applicant.
Ms Nisha Dabhade for Respondent No.1
Mr.Vinay Hegde for Respondent No.2.

CORAM: A.S.OKA, J.
DATE : FEBRUARY 6, 2007.

P.C.:

1. Rule. The Advocates for the
Respondent Nos.1 and 2 waive service.
Since the First Appeal is admitted for
final hearing, suit structure will have to
be protected. However, the Applicant will
have to be put to terms.

2. Application is disposed of by
directing that the interim order passed by
the trial court during the pendency of the
suit will continue to operate till the
final disposal of the Appeal subject to
following conditions:

i) The Applicant will file an undertaking in this Court within a period of three weeks from today stating therein that the Applicant will not create any third party interests in respect of the suit structure and will not part with possession thereof and will not carry out any additions or alterations to the suit structure till the disposal of the Appeal.

ii) In case the undertaking is not filed within time, interim relief will stand vacated without reference to the court.

iii) In case the Applicant commits breach of undertaking which is filed , liberty to the Respondents to apply for vacating the interim relief.

JUDGE